



DOCKET FILE COPY ORIGINAL

Live Oak School District

Excellence is achieved through a caring partnership

David S. Paine, Ed.D.
Superintendent

Laurie Bloom-Sweeney, Ed.D.

Assistant Superintendent
of Educational Services

Patricia P. Deming
Chief Business Official

Received & Inspected

MAY - 7 2009

FCC Mail Room

May 4, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

Re: CC Docket No. 96-45 and CC Docket No. 02-6

BIN: 144310

Application Number: 643946

Waiver and Letter of Appeal

Dear Secretary Dortch,

We are requesting a waiver and appealing USAC decision to not fund the Live Oak School District for the e-rate in 2008-2009. Given the multitude of variables that a district our size must comply with, plus the changing of key personnel; filing, communicating and understanding the e-rate process and application was more difficult than we anticipated.

We are requesting a waiver for filing the e-rate application for the 2008-2009 school year within the filing window for three reasons. **Reason one:** We have a U.S. Postal Certified Mail Receipt dated for February 7, 2008 indicating that the application and paperwork was sent to SLD within the funding window (See attachment #1). After we sent this application we did not additional follow up phone calls or emails because we knew from experience that information from SLD not always communicated in a timely or comprehensible fashion. **Reason two:** Due to budget cuts we had a change in personnel and were unable to replace a key technology person. This required that other members of this small team (currently 2 people) to pick up addition responsibilities, which proved to be disruptive and difficult. **Reason Three:** After searching the USAC website and navigating USAC's automated phone system it took us a least an hour and half of web searching and phone calling to finally talk to someone. When we finally reached an employee staff informed us that we were still within the timeline to file our funding request. During this conversation we were informed although it was late to not worry about it.

When we received the notice dated November 11, 2008 (See attachment #2) stating we had missed the window, we were not concerned because ~~we had~~ we had not missed the deadline to file our application for the 2008-2009 school year within the filing window for three reasons one we have a U.S. Postal Certified Mail Receipt dated for February 7, 2008 indicating that the application and paperwork was sent to SLD within the funding window (See attachment #1). After we sent this application we did not additional follow up phone calls or emails because we knew from experience that information from SLD not always communicated in a timely or comprehensible fashion two Due to budget cuts we had a change in personnel and were unable to replace a key technology person This required that other members of this small team (currently 2 people) to pick up addition responsibilities which proved to be disruptive and difficult three After searching the USAC website and navigating USAC's automated phone system it took us a least an hour and half of web searching and phone calling to finally talk to someone When we finally reached an employee staff informed us that we were still within the timeline to file our funding request During this conversation we were informed although it was late to not worry about it

DISTRICT OFFICE 984-1 BOSTWICK LANE SANTA CRUZ, CA 95062-1798 (831) 475-6333 FAX (831) 475-2638
Del Mar School 1959 Merrill Street 477-1063 Green Acres School 966 Bostwick Lane 475-0111
Live Oak School 1916 Capitola Road 475-2000 Shoreline Middle School 855 17th Avenue 475-6565
Ocean Alternative School 984-6 Bostwick Lane 475-0767 Cypress Charter High School 2039 Merrill Street 477-0302

www.lodo.santacruz.k12.ca.us

employee had told us that we were within the timeline. In addition, we were told not to worry about a letter we might receive because we were filing for the 2009-2010 school year. Plus, we had the US certified receipt (See attachment # 1) for the 2008-2009 school year.

Just last week our business manager informed us that based on an invoice from the Santa Cruz County Office of Education, (who provides our T1 access) and a subsequent phone call we were not funded for e-rate for 2008-2009 because we missed the funding window. When we telephoned USAC staff, last week, they informed us that our 2008-2009 paperwork was filed in a timely fashion but we did not include Attachment 21. This was the first time anyone ever mentioned attachment 21. This is also different information than what is stated in the letter dated November 11, 2008. Plus, we have a receipt indicating that we mailed the application within the stated timelines. So what does one do with this conflicting information?

We are asking for your help. We are small district with a skeletal crew of 2 to keep our technological needs addressed. Due to budget constraints we were unable to replace a key technology team member. Given how difficult it is to maintain our District's technology needs with the limited funding, and being denied our e-rate discount is a tremendous blow.

With this in mind please consider our request for waiver and appeal the USAC decision to not fund us for the 2008-2009 school year. Your immediate attention to this matter is greatly appreciated.

Respectfully,

Sincerely,



Michael Sue Brown Korb

Educational Technology Coordinator



Laurie Bloom-Sweeney, Ed.D.

Assistant Superintendent of Educational
Services

7007 2680 0001 9514 5070

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LAURENCE, KS 66046

OFFICIAL USE

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Return Receipt Fee (Endorsement Required)		\$2.15	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.94	

Sent To

SLD Form 471

Street, Apt. No.,
or PO Box No.

3833 Greenway Dr.

City, State, ZIP+4

Lawrence, Kansas 66046

PS Form 3800, August 2005

See Reverse for Instructions

SANTA CRUZ CA 95060

Postmark

HEAVY

09/07/2008

USPS

Santa Cruz Main Post Office
Main post office, Ca
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09/07/2008 (831)426-01 04:54:15 PM

Sales Receipt			
Product	Qty	Unit Price	Final Price
CE X5 6046			11.14
First-Class			
Env			
10 oz.			
Turn Rept Green Card			\$2
Certified			35145070
Label #:	7007268		
Base PVI:			15.00

Total: \$5.94

paid \$5.00

1.00

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**FUNDING YEAR 2008 FORM 471
POSTMARKED OUTSIDE OF WINDOW**

November 11, 2008

Laurie Bloom-Sweeney
LIVE OAK ELEM SCHOOL DISTRICT
984-1 BOSTWICK LANE
SANTA CRUZ, CA 95062-1743

Re: Applicant's Form Identifier: N/A
Form 471 Application Number: 643946

Dear Laurie Bloom-Sweeney:

We're sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 11/03/2008, which is AFTER the Funding Year 2008-2009 filing window closed at 11:59 p.m. EST on Thursday, February 7, 2008.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the USAC website at www.usac.org/sl once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of pending applications, about funding for applications filed after the close of the filing window or about plans for future Funding Years, please visit our website or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal a decision indicated in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the decision letter and the decision you are appealing:
 - Appellant name,
 - Applicant or service provider name,
 - BEN,
 - Application number 643946 as assigned by USAC,
 - "Funding Year 2008 Form 471 Postmarked Outside of Window Letter,"AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.

4. If you are an applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are a service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to us by fax, fax your appeal to (973)599-6542.

To submit your appeal to us on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

You have the option of filing an appeal with USAC or with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted on our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

Schools and Libraries Division
Universal Service Administrative Company